IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1456 OF 2006

Su-Raj Diamonds (I) Ltd and its Associates and/or contract staff association ..Petitioners

Vs.

Commissioner of Police ..Respondents

Mr.Joy Deb Saha in person

Mrs.U.V.Kejriwal, A.P.P. for the respondents

CORAM : J.N.PATEL &
SMT.ROSHAN S.DALVI, JJ.

DATED : 12TH SEPTEMBER, 2006

P.C.:

1. The petitioners seek leave to file compilation of documents. Petitioners are permitted to tender compilation of documents. Copy of the same are already furnished to the learned A.P.P. Compilation of documents are taken on record.

2. Heard.

3. The petitioners have approached this court seeking that police should be directed to register the complaint filed by the petitioners against the factory manager, the Managing Director and Chairman of Su-Raj Diamond India Ltd and against the company and to arrest the above stated three officials and seek their custody for further investigation for impersonation and so on.

4. In their affidavit in reply, Senior Inspector of Police has conducted enquiry in the matter through Mr.Jadhav, Police Sub-Inspector. According to him, there are disputes pending between the petitioner union and the respondent and that the police had already communicated to the petitioners vide their letter dt.26.6.06 and 31.7.06 that the enquiry was pending and that they will be informed after the completion of inquiry. They have come to the conclusion that no cognisable offence was disclosed and, therefore, no case was registered.

5. In view of this, we direct the petitioners to seek alternate remedy by approaching the court

of Metropolitan Magistrate having Jurisdiction in the matter and file a complaint. In view of the fact that we are dismissing the petition, it does not mean that we have considered the allegations made by the petitioners on merits and by dismissing the petition, we have rejected their complaint and therefore, in case the petitioners file a complaint before the court of competent Magistrate, the Magistrate would examine it in accordance with law without being influenced by the fact that the petitioners have approached this court by filing writ petition and the same has been dismissed. With these observations, petition is dismissed.

(SHRI J.N. PATEL, J)

(SMT.ROSHAN DALVI, J)